

### **REMARKS**

Applicants note, with appreciation, that the Examiner has allowed apparatus Claims 10-23, 35, 37, 38, 42, 43 and 46. Further, the Examiner has indicated that apparatus Claims 2-8, 29, 32, 34, 40, 41 and 45 would be allowed if rewritten to incorporate the features of the independent claims from which they depend and all intervening dependent claims. For the sake of clarity, applicants note that Claim 45 has been rewritten to incorporate the features of rejected Claim 44, from which Claim 45 directly depends, and Claim 44 has been canceled. Method Claim 40 has also been rewritten to incorporate the features of independent method Claim 39, from which it depends. Independent method Claim 39 has been amended and a new Claim 47 has been added, depending from amended Claim 39.

As stated above, applicants have rewritten apparatus Claim 45 to incorporate the features of rejected apparatus Claim 44 from which apparatus Claim 45 directly depends. Based on the Examiner's statement that Claim 45 would be allowable if so rewritten, applicants believe that Claim 45 is now in condition for allowance. Since Claims 2-8 and 29-32 depend directly or indirectly from Claim 45, those claims should be allowable in their present form. For the foregoing reasons, applicants respectfully request that the Examiner withdraw her objections to the aforementioned claims and reconsider them for allowance.

With respect to apparatus Claim 34, applicants note that this claim depends directly from apparatus Claim 46, which the Examiner has allowed. Therefore, Claim 34 should also be allowed. For this reason, applicants respectfully request that the Examiner withdraw her objection to Claim 34 and reconsider it for allowance.

Applicants have rewritten method Claim 40 to incorporate the features of rejected method Claim 39, from which it depends. Based on the Examiner's statement that Claim 40 would be allowable if so rewritten, applicants believe that Claim 40 is now in condition for allowance. Since Claim 41 depends directly from Claim 40, that claim should be allowable in its present form. For the foregoing reasons, applicants respectfully request that the Examiner withdraw her objections to Claims 40 and 41, and reconsider them for allowance.

Applicants have amended method Claim 39 so that it now positively recites attaching the suture to at least one turn of the helical member as a step in the claimed method. Applicants note that the Examiner has withdrawn her earlier allowance of the unamended Claim 39, and rejected it in the pending Office Action. The Examiner based her rejection of method Claim 39 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,269,791 to Mayzels et al. ("the Mayzels '791 Patent") in view of U.S. Patent No. 5,820,631 to Nobles ("the Nobles '631 Patent"). The Examiner noted that the method disclosed in the Mayzels '791 Patent involved supporting a helical member relative to a winding tube and winding a suture around the helical member in a helical path. The Examiner also took the position that such winding of the suture results in attaching the suture to at least one turn of the helical member. The Examiner's position with regard to how the suture is attached to the helical member is not supported by the specification or drawings of the Mayzels '791 Patent. More particularly, Fig. 2 of the Mayzels '791 Patent shows that, as a result of the winding operation depicted therein, the suture resides in the interior of the helical member **without** being attached to any part of it. Since the Mayzels '791 Patent does not disclose the applicants' claimed step

of attaching the suture to the helical coil by the process of winding it about the helical coil, and the Nobles '631 Patent does not provide that missing element, method Claim 39 should be allowable over the Examiner's postulated combination of these references.

For the foregoing reasons, applicants respectfully request that the Examiner withdraw her rejection of method Claim 39 and reconsider it for allowance. Further, Applicants have added a new method Claim 47 that mirrors method Claim 41, but depends from Claim 39. Applicants respectfully submit that new Claim 47 should be in condition for allowance for the same reasons that amended Claim 39 is in condition for allowance.

If any of the actions requested above cannot be taken, the Examiner is cordially invited to place a telephone call to Applicant's attorney in order that any outstanding issue may be resolved without the issuance of a further Office Action.

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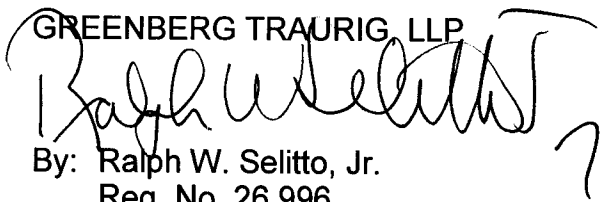
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In this Amendment, the total number of claims is unchanged. One independent claim has been cancelled and two dependent claims have been rewritten as independent claims, increasing the number of independent claims by one. Therefore, a fee of \$200 is believed to be due with this Amendment. The Examiner is hereby authorized to charge \$200 to Deposit Account No. 501561. If there are any additional fees due as a result of this Amendment, including extension and petition fees, the Examiner is hereby authorized to charge them to Deposit Account No. 501561.

Respectfully Submitted,

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